

(3) focus on prioritization of pressing natural resource management and ecosystem information needs, coordination, and cooperation among agencies and organizations;

(4) coordinate ongoing and future inventory, monitoring, and research activities to minimize duplication of effort, share financial resources and expertise, and assure the collection of quality information;

(5) identify priority needs not addressed by agency science programs in effect on August 8, 2005, and develop a funding strategy to meet those needs;

(6) provide a consistent approach to high caliber science, including inventory, monitoring, and research;

(7) maintain and improve public and agency access to—

(A) accumulated and ongoing research; and

(B) contemporary and traditional local knowledge; and

(8) ensure through appropriate peer review that the science conducted by participating agencies and organizations is of the highest technical quality.

**(c) Membership**

**(1) In general**

To ensure comprehensive collection of scientific data, in carrying out the Initiative, the Secretary shall consult and coordinate with Federal, State, and local agencies that have responsibilities for land and resource management across the North Slope.

**(2) Cooperative agreements**

The Secretary shall enter into cooperative agreements with the State of Alaska, the North Slope Borough, the Arctic Slope Regional Corporation, and other Federal agencies as appropriate to coordinate efforts, share resources, and fund projects under this section.

**(d) Science technical advisory panel**

**(1) In general**

The Initiative shall include a panel to provide advice on proposed inventory, monitoring, and research functions.

**(2) Membership**

The panel described in paragraph (1) shall consist of a representative group of not more than 15 scientists and technical experts from diverse professions and interests, including the oil and gas industry, subsistence users, Native Alaskan entities, conservation organizations, wildlife management organizations, and academia, as determined by the Secretary.

**(e) Reports**

Not later than 3 years after August 8, 2005, and each year thereafter, the Secretary shall publish a report that describes the studies and findings of the Initiative.

**(f) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 109-58, title III, §348, Aug. 8, 2005, 119 Stat. 708.)

**§ 15907. Orphaned well site plugging, remediation, and restoration**

**(a) Definitions**

In this section:

**(1) Federal land**

The term “Federal land” means land administered by a land management agency within—

(A) the Department of Agriculture; or

(B) the Department of the Interior.

**(2) Idled well**

The term “idled well” means a well—

(A) that has been nonoperational for not fewer than 4 years; and

(B) for which there is no anticipated beneficial future use.

**(3) Indian Tribe**

The term “Indian Tribe” has the meaning given the term in section 5304 of title 25.

**(4) Operator**

The term “operator”, with respect to an oil or gas operation, means any entity, including a lessee or operating rights owner, that has provided to a relevant authority a written statement that the entity is responsible for the oil or gas operation, or any portion of the operation.

**(5) Orphaned well**

The term “orphaned well”—

(A) with respect to Federal land or Tribal land, means a well—

(i)<sup>1</sup>(I) that is not used for an authorized purpose, such as production, injection, or monitoring; and

(II)(aa) for which no operator can be located;

(bb) the operator of which is unable—

(AA) to plug the well; and

(BB) to remediate and reclaim the well site; or

(cc) that is within the National Petroleum Reserve-Alaska; and

(B) with respect to State or private land—

(i) has the meaning given the term by the applicable State; or

(ii) if that State uses different terminology, has the meaning given another term used by the State to describe a well eligible for plugging, remediation, and reclamation by the State.

**(6) Tribal land**

The term “Tribal land” means any land or interest in land owned by an Indian Tribe, the title to which is—

(A) held in trust by the United States; or

(B) subject to a restriction against alienation under Federal law.

**(b) Federal program**

**(1) Establishment**

Not later than 60 days after November 15, 2021, the Secretary shall establish a program to plug, remediate, and reclaim orphaned wells located on Federal land.

<sup>1</sup> So in original. No cl. (ii) has been enacted.

**(2) Included activities**

The program under this subsection shall—

- (A) include a method of—
  - (i) identifying, characterizing, and inventorying orphaned wells and associated pipelines, facilities, and infrastructure on Federal land; and
  - (ii) ranking those orphaned wells for priority in plugging, remediation, and reclamation, based on—
    - (I) public health and safety;
    - (II) potential environmental harm; and
    - (III) other subsurface impacts or land use priorities;
- (B) distribute funding in accordance with the priorities established under subparagraph (A)(ii) for—
  - (i) plugging orphaned wells;
  - (ii) remediating and reclaiming well pads and facilities associated with orphaned wells;
  - (iii) remediating soil and restoring native species habitat that has been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure; and
  - (iv) remediating land adjacent to orphaned wells and decommissioning or removing associated pipelines, facilities, and infrastructure;
- (C) provide a public accounting of the costs of plugging, remediation, and reclamation for each orphaned well;
- (D) seek to determine the identities of potentially responsible parties associated with the orphaned well (or a surety or guarantor of such a party), to the extent such information can be ascertained, and make efforts to obtain reimbursement for expenditures to the extent practicable;
- (E) measure or estimate and track—
  - (i) emissions of methane and other gases associated with orphaned wells; and
  - (ii) contamination of groundwater or surface water associated with orphaned wells; and
- (F) identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities of color, low-income communities, and Tribal and indigenous communities.

**(3) Idled wells**

The Secretary, acting through the Director of the Bureau of Land Management, shall—

- (A) periodically review all idled wells on Federal land; and
- (B) reduce the inventory of idled wells on Federal land.

**(4) Cooperation and consultation**

In carrying out the program under this subsection, the Secretary shall—

- (A) work cooperatively with—
  - (i) the Secretary of Agriculture;
  - (ii) affected Indian Tribes; and
  - (iii) each State within which Federal land is located; and
- (B) consult with—

- (i) the Secretary of Energy; and
- (ii) the Interstate Oil and Gas Compact Commission.

**(c) Funding for State programs****(1) In general**

The Secretary shall provide to States, in accordance with this subsection—

- (A) initial grants under paragraph (3);
- (B) formula grants under paragraph (4); and
- (C) performance grants under paragraph (5).

**(2) Activities****(A) In general**

A State may use funding provided under this subsection for any of the following purposes:

- (i) To plug, remediate, and reclaim orphaned wells located on State-owned or privately owned land.
- (ii) To identify and characterize undocumented orphaned wells on State and private land.
- (iii) To rank orphaned wells based on factors including—
  - (I) public health and safety;
  - (II) potential environmental harm; and
  - (III) other land use priorities.
- (iv) To make information regarding the use of funds received under this subsection available on a public website.
- (v) To measure and track—
  - (I) emissions of methane and other gases associated with orphaned wells; and
  - (II) contamination of groundwater or surface water associated with orphaned wells.

(vi) To remediate soil and restore native species habitat that has been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure.

(vii) To remediate land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure.

(viii) To identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on communities of color, low-income communities, and Tribal and indigenous communities.

(ix) Subject to subparagraph (B), to administer a program to carry out any activities described in clauses (i) through (viii).

**(B) Administrative cost limitation****(i) In general**

Except as provided in clause (ii), a State shall not use more than 10 percent of the funds received under this subsection during a fiscal year for administrative costs under subparagraph (A)(ix).

**(ii) Exception**

The limitation under clause (i) shall not apply to funds used by a State as described in paragraph (3)(A)(ii).

**(3) Initial grants****(A) In general**

Subject to the availability of appropriations, the Secretary shall distribute—

(i) not more than \$25,000,000 to each State that submits to the Secretary, by not later than 180 days after November 15, 2021, a request for funding under this clause, including—

(I) an estimate of the number of jobs that will be created or saved through the activities proposed to be funded; and

(II) a certification that—

(aa) the State is a Member State or Associate Member State of the Interstate Oil and Gas Compact Commission;

(bb) there are 1 or more documented orphaned wells located in the State; and

(cc) the State will use not less than 90 percent of the funding requested under this subsection to issue new contracts, amend existing contracts, or issue grants for plugging, remediation, and reclamation work by not later than 90 days after the date of receipt of the funds; and

(ii) not more than \$5,000,000 to each State that—

(I) requests funding under this clause;

(II) does not receive a grant under clause (i); and

(III) certifies to the Secretary that—

(aa) the State—

(AA) has in effect a plugging, remediation, and reclamation program for orphaned wells; or

(BB) the capacity to initiate such a program; or

(bb) the funds provided under this paragraph will be used to carry out any administrative actions necessary to develop an application for a formula grant under paragraph (4) or a performance grant under paragraph (5).

**(B) Distribution**

Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date that is 30 days after the date on which the State submits to the Secretary the certification required under clause (i)(II) or (ii)(III) of subparagraph (A), as applicable.

**(C) Deadline for expenditure**

A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 1 year after the date of receipt of the funds.

**(D) Report**

Not later than 15 months after the date on which a State receives funds under this paragraph, the State shall submit to the Secretary a report that describes the means by which the State used the funds in accordance with the certification submitted by the State under subparagraph (A).

**(4) Formula grants****(A) Establishment****(i) In general**

The Secretary shall establish a formula for the distribution to each State described in clause (ii) of funds under this paragraph.

**(ii) Description of States**

A State referred to in clause (i) is a State that, by not later than 45 days after November 15, 2021, submits to the Secretary a notice of the intent of the State to submit an application under subparagraph (B), including a description of the factors described in clause (iii) with respect to the State.

**(iii) Factors**

The formula established under clause (i) shall account for, with respect to an applicant State, the following factors:

(I) Job losses in the oil and gas industry in the State during the period—

(aa) beginning on March 1, 2020; and

(bb) ending on November 15, 2021.

(II) The number of documented orphaned wells located in the State, and the projected cost—

(aa) to plug or reclaim those orphaned wells;

(bb) to reclaim adjacent land; and

(cc) to decommission or remove associated pipelines, facilities, and infrastructure.

**(iv) Publication**

Not later than 75 days after November 15, 2021, the Secretary shall publish on a public website the amount that each State is eligible to receive under the formula under this subparagraph.

**(B) Application**

To be eligible to receive a formula grant under this paragraph, a State shall submit to the Secretary an application that includes—

(i) a description of—

(I) the State program for orphaned well plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the State to carry out proposed activities using the grant;

(II) the activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of plugging, remediating, or reclaiming orphaned wells; and

(III) the means by which the information regarding the activities of the State under this paragraph will be made available on a public website;

(ii) an estimate of—

(I) the number of orphaned wells in the State that will be plugged, remediated, or reclaimed;

(II) the projected cost of—

(aa) plugging, remediating, or reclaiming orphaned wells;

(bb) remediating or reclaiming adjacent land; and

(cc) decommissioning or removing associated pipelines, facilities, and infrastructure;

(III) the amount of that projected cost that will be offset by the forfeiture of financial assurance instruments, the estimated salvage of well site equipment, or other proceeds from the orphaned wells and adjacent land;

(IV) the number of jobs that will be created or saved through the activities to be funded under this paragraph; and

(V) the amount of funds to be spent on administrative costs;

(iii) a certification that any financial assurance instruments available to cover plugging, remediation, or reclamation costs will be used by the State; and

(iv) the definitions and processes used by the State to formally identify a well as—

(I) an orphaned well; or

(II) if the State uses different terminology, otherwise eligible for plugging, remediation, and reclamation by the State.

#### **(C) Distribution**

Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date that is 60 days after the date on which the State submits to the Secretary a completed application under subparagraph (B).

#### **(D) Deadline for expenditure**

A State that receives funds under this paragraph shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 5 years after the date of receipt of the funds.

#### **(E) Consultation**

In making a determination under this paragraph regarding the eligibility of a State to receive a formula grant, the Secretary shall consult with—

(i) the Administrator of the Environmental Protection Agency;

(ii) the Secretary of Energy; and

(iii) the Interstate Oil and Gas Compact Commission.

### **(5) Performance grants**

#### **(A) Establishment**

The Secretary shall provide to States, in accordance with this paragraph—

(i) regulatory improvement grants under subparagraph (E); and

(ii) matching grants under subparagraph (F).

#### **(B) Application**

To be eligible to receive a grant under this paragraph, a State shall submit to the Secretary an application including—

(i) each element described in an application for a grant under paragraph (4)(B);

(ii) activities carried out by the State to address orphaned wells located in the State, including—

(I) increasing State spending on well plugging, remediation, and reclamation; or

(II) improving regulation of oil and gas wells; and

(iii) the means by which the State will use funds provided under this paragraph—

(I) to lower unemployment in the State; and

(II) to improve economic conditions in economically distressed areas of the State.

#### **(C) Distribution**

Subject to the availability of appropriations, the Secretary shall distribute funds to a State under this paragraph by not later than the date that is 60 days after the date on which the State submits to the Secretary a completed application under subparagraph (B).

#### **(D) Consultation**

In making a determination under this paragraph regarding the eligibility of a State to receive a grant under subparagraph (E) or (F), the Secretary shall consult with—

(i) the Administrator of the Environmental Protection Agency;

(ii) the Secretary of Energy; and

(iii) the Interstate Oil and Gas Compact Commission.

#### **(E) Regulatory improvement grants**

##### **(i) In general**

Beginning on the date that is 180 days after the date on which an initial grant is provided to a State under paragraph (3), the Secretary shall, subject to the availability of appropriations, provide to the State a regulatory improvement grant under this subparagraph, if the State meets, during the 10-year period ending on the date on which the State submits to the Secretary an application under subparagraph (B), 1 of the following criteria:

(I) The State has strengthened plugging standards and procedures designed to ensure that wells located in the State are plugged in an effective manner that protects groundwater and other natural resources, public health and safety, and the environment.

(II) The State has made improvements to State programs designed to reduce future orphaned well burdens, such as financial assurance reform, alternative funding mechanisms for orphaned well programs, and reforms to programs relating to well transfer or temporary abandonment.

##### **(ii) Limitations**

###### **(I) Number**

The Secretary may issue to a State under this subparagraph not more than 1

grant for each criterion described in subclause (I) or (II) of clause (i).

**(II) Maximum amount**

The amount of a single grant provided to a State under this subparagraph shall be not more than \$20,000,000.

**(iii) Reimbursement for failure to maintain protections**

A State that receives a grant under this subparagraph shall reimburse the Secretary in an amount equal to the amount of the grant in any case in which, during the 10-year period beginning on the date of receipt of the grant, the State enacts a law or regulation that, if in effect on the date of submission of the application under subparagraph (B), would have prevented the State from being eligible to receive the grant under clause (i).

**(F) Matching grants**

**(i) In general**

Beginning on the date that is 180 days after the date on which an initial grant is provided to a State under paragraph (3), the Secretary shall, subject to the availability of appropriations, provide to the State funding, in an amount equal to the difference between—

(I) the average annual amount expended by the State during the period of fiscal years 2010 through 2019—

(aa) to plug, remediate, and reclaim orphaned wells; and

(bb) to decommission or remove associated pipelines, facilities, or infrastructure; and

(II) the amount that the State certifies to the Secretary the State will expend, during the fiscal year in which the State will receive the grant under this subparagraph—

(aa) to plug, remediate, and reclaim orphaned wells;

(bb) to remediate or reclaim adjacent land; and

(cc) to decommission or remove associated pipelines, facilities, and infrastructure.

**(ii) Limitations**

**(I) Fiscal year**

The Secretary may issue to a State under this subparagraph not more than 1 grant for each fiscal year.

**(II) Total funds provided**

The Secretary may provide to a State under this subparagraph a total amount equal to not more than \$30,000,000 during the period of fiscal years 2022 through 2031.

**(d) Tribal orphaned well site plugging, remediation, and restoration**

**(1) Establishment**

The Secretary shall establish a program under which the Secretary shall—

(A) provide to Indian Tribes grants in accordance with this subsection; or

(B) on request of an Indian Tribe and in lieu of a grant under subparagraph (A), administer and carry out plugging, remediation, and reclamation activities in accordance with paragraph (7).

**(2) Eligible activities**

**(A) In general**

An Indian Tribe may use a grant received under this subsection—

(i) to plug, remediate, or reclaim an orphaned well on Tribal land;

(ii) to remediate soil and restore native species habitat that has been degraded due to the presence of an orphaned well or associated pipelines, facilities, or infrastructure on Tribal land;

(iii) to remediate Tribal land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure;

(iv) to provide an online public accounting of the cost of plugging, remediation, and reclamation for each orphaned well site on Tribal land;

(v) to identify and characterize undocumented orphaned wells on Tribal land; and

(vi) to develop or administer a Tribal program to carry out any activities described in clauses (i) through (v).

**(B) Administrative cost limitation**

**(i) In general**

Except as provided in clause (ii), an Indian Tribe shall not use more than 10 percent of the funds received under this subsection during a fiscal year for administrative costs under subparagraph (A)(vi).

**(ii) Exception**

The limitation under clause (i) shall not apply to any funds used to carry out an administrative action necessary for the development of a Tribal program described in subparagraph (A)(vi).

**(3) Factors for consideration**

In determining whether to provide to an Indian Tribe a grant under this subsection, the Secretary shall take into consideration—

(A) the unemployment rate of the Indian Tribe on the date on which the Indian Tribe submits an application under paragraph (4); and

(B) the estimated number of orphaned wells on the Tribal land of the Indian Tribe.

**(4) Application**

To be eligible to receive a grant under this subsection, an Indian Tribe shall submit to the Secretary an application that includes—

(A) a description of—

(i) the Tribal program for orphaned well plugging, remediation, and restoration, including legal authorities, processes used to identify and prioritize orphaned wells, procurement mechanisms, and other program elements demonstrating the readiness of the Indian Tribe to carry out the proposed activities, or plans to develop such a program; and

(ii) the activities to be carried out with the grant, including an identification of

the estimated health, safety, habitat, and environmental benefits of plugging, remediating, or reclaiming orphaned wells and remediating or reclaiming adjacent land; and

(B) an estimate of—

(i) the number of orphaned wells that will be plugged, remediated, or reclaimed; and

(ii) the projected cost of—

(I) plugging, remediating, or reclaiming orphaned wells;

(II) remediating or reclaiming adjacent land; and

(III) decommissioning or removing associated pipelines, facilities, and infrastructure.

**(5) Distribution**

Subject to the availability of appropriations, the Secretary shall distribute funds to an Indian Tribe under this subsection by not later than the date that is 60 days after the date on which the Indian Tribe submits to the Secretary a completed application under paragraph (4).

**(6) Deadline for expenditure**

An Indian Tribe that receives funds under this subsection shall reimburse the Secretary in an amount equal to the amount of the funds that remain unobligated on the date that is 5 years after the date of receipt of the funds, except for cases in which the Secretary has granted the Indian Tribe an extended deadline for completion of the eligible activities after consultation.

**(7) Delegation to Secretary in lieu of a grant**

**(A) In general**

In lieu of a grant under this subsection, an Indian Tribe may submit to the Secretary a request for the Secretary to administer and carry out plugging, remediation, and reclamation activities relating to an orphaned well on behalf of the Indian Tribe.

**(B) Administration**

Subject to the availability of appropriations under subsection (h)(1)(E), on submission of a request under subparagraph (A), the Secretary shall administer or carry out plugging, remediation, and reclamation activities for an orphaned well on Tribal land.

**(e) Technical assistance**

The Secretary of Energy, in cooperation with the Secretary and the Interstate Oil and Gas Compact Commission, shall provide technical assistance to the Federal land management agencies and oil and gas producing States and Indian Tribes to support practical and economical remedies for environmental problems caused by orphaned wells on Federal land, Tribal land, and State and private land, including the sharing of best practices in the management of oil and gas well inventories to ensure the availability of funds to plug, remediate, and restore oil and gas well sites on cessation of operation.

**(f) Report to Congress**

Not later than 1 year after November 15, 2021, and not less frequently than annually there-

after, the Secretary shall submit to the Committees on Appropriations and Energy and Natural Resources of the Senate and the Committees on Appropriations and Natural Resources of the House of Representatives a report describing the program established and grants awarded under this section, including—

(1) an updated inventory of wells located on Federal land, Tribal land, and State and private land that are—

(A) orphaned wells; or

(B) at risk of becoming orphaned wells;

(2) an estimate of the quantities of—

(A) methane and other gasses emitted from orphaned wells; and

(B) emissions reduced as a result of plugging, remediating, and reclaiming orphaned wells;

(3) the number of jobs created and saved through the plugging, remediation, and reclamation of orphaned wells; and

(4) the acreage of habitat restored using grants awarded to plug, remediate, and reclaim orphaned wells and to remediate or reclaim adjacent land, together with a description of the purposes for which that land is likely to be used in the future.

**(g) Effect of section**

**(1) No expansion of liability**

Nothing in this section establishes or expands the responsibility or liability of any entity with respect to—

(A) plugging any well; or

(B) remediating or reclaiming any well site.

**(2) Tribal land**

Nothing in this section—

(A) relieves the Secretary of any obligation under section 396c of title 25, to plug, remediate, or reclaim an orphaned well located on Tribal land; or

(B) absolves the United States from a responsibility to plug, remediate, or reclaim an orphaned well located on Tribal land or any other responsibility to an Indian Tribe, including any responsibility that derives from—

(i) the trust relationship between the United States and Indian Tribes;

(ii) any treaty, law, or Executive order; or

(iii) any agreement between the United States and an Indian Tribe.

**(3) Owner or operator not absolved**

Nothing in this section absolves the owner or operator of an oil or gas well of any potential liability for—

(A) reimbursement of any plugging or reclamation costs associated with the well; or

(B) any adverse effect of the well on the environment.

**(h) Authorization of appropriations**

There are authorized to be appropriated for fiscal year 2022, to remain available until September 30, 2030:

(1) to the Secretary—

(A) \$250,000,000 to carry out the program under subsection (b);

(B) \$775,000,000 to provide grants under subsection (c)(3);

(C) \$2,000,000,000 to provide grants under subsection (c)(4);

(D) \$1,500,000,000 to provide grants under subsection (c)(5); and

(E) \$150,000,000 to carry out the program under subsection (d);

(2) to the Secretary of Energy, \$30,000,000 to conduct research and development activities in cooperation with the Interstate Oil and Gas Compact Commission to assist the Federal land management agencies, States, and Indian Tribes in—

(A) identifying and characterizing undocumented orphaned wells; and

(B) mitigating the environmental risks of undocumented orphaned wells; and

(3) to the Interstate Oil and Gas Compact Commission, \$2,000,000 to carry out this section.

(Pub. L. 109–58, title III, §349, Aug. 8, 2005, 119 Stat. 709; Pub. L. 113–40, §10(b), Oct. 2, 2013, 127 Stat. 545; Pub. L. 117–58, div. D, title VI, §40601, Nov. 15, 2021, 135 Stat. 1080.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117–58 amended section generally. Prior to amendment, section related to orphaned, abandoned, or idled wells on Federal land.

2013—Subsec. (i). Pub. L. 113–40 added subsec. (i).

#### Statutory Notes and Related Subsidiaries

##### WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of this title.

#### § 15908. Preservation of geological and geophysical data

##### (a) Short title

This section may be cited as the “National Geological and Geophysical Data Preservation Program Act of 2005”.

##### (b) Program

The Secretary shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

(2) to provide a national catalog of such archival material;

(3) to provide technical and financial assistance related to the archival material; and

(4) to provide for preservation of samples to track geochemical signatures from critical mineral (as defined in section 1606(a) of title 30) ore bodies for use in provenance tracking frameworks.

##### (c) Plan

Not later than 1 year after August 8, 2005, the Secretary shall submit to Congress a plan for the implementation of the Program.

#### (d) Data archive system

##### (1) Establishment

The Secretary shall establish, as a component of the Program, a data archive system to provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical, and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

##### (2) System components

The system shall be comprised of State agencies that elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

##### (3) Limitation of designation

The Secretary may not designate a State agency as a component of the data archive system unless that agency is the agency that acts as the geological survey in the State.

##### (4) Data from Federal land

The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal land—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data were collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

#### (e) National catalog

##### (1) In general

As soon as practicable after August 8, 2005, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

(A) data and samples available in the data archive system established under subsection (d);

(B) the repository for particular material in the system; and

(C) the means of accessing the material.

##### (2) Availability

The Secretary shall make the national catalog accessible to the public on the site of the Survey on the Internet, consistent with all applicable requirements related to confidentiality and proprietary data.

#### (f) Advisory Committee

##### (1) In general

The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

##### (2) New duties

In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties: